

**VERTEX PHARMACEUTICALS INCORPORATED**

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**FAX**

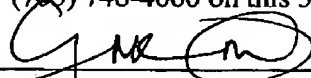
<b>To</b>	MISSING PARTS
<b>Company</b>	USPTO
<b>FAX</b>	(703) 746-4060
<b>From</b>	Nandakumar Govindaswamy
<b>Date</b>	October 5, 2004
<b>Subject</b>	Application No. 10/728,114 Attorney Docket No. VPI/02-135 US
<b>Total Pages</b>	15

**Message or Comment**

In response to the Notice of Incomplete Nonprovisional Application dated March 5, 2004 attached are a Fee Transmittal (1 page, in duplicate); a Petition for Five Month Extension of Time (1 page, in duplicate); a Transmittal Letter for Response to the Notice to File Missing Parts of Nonprovisional Application (2 pages, in duplicate); a copy of the Notice of Incomplete Nonprovisional Application (2 pages); executed Declaration document (3 pages) relating to the above-identified application.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile Number: (703) 746-4060 on this 5<sup>th</sup> day of October 2004.

  
Nandakumar Govindaswamy

If any problems occur with this fax transmittal, please call (617) 444-6619 immediately.

**FAX Number (617) 444-6483 Legal Department**

**CONFIDENTIALITY NOTICE**

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VPI/02-135 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jugnu Jain-Pandey et al.  
Serial No.: 10/728,114  
Filing Date: December 4, 2003  
Group Art Unit: Not Yet Assigned  
Examiner: Not Yet Assigned  
Confirmation No.: 7651  
For: COMPOSITIONS COMPRISING INHIBITORS OF IMPDH  
ENZYME

Cambridge, Massachusetts  
October 5, 2004

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE TO NOTICE OF  
INCOMPLETE NONPROVISIONAL APPLICATION

Sir:

This is transmittal letter is in response to the March 5, 2004 Notice of Incomplete Non-provisional Application (hereinafter "the Notice") in the above-identified application. Applicants have enclosed herewith a Petition under 37 C.F.R. § 136(a)(5) to extend the time for a reply up to, and including, today, October 5, 2004. Consequently, this response is filed timely.

1. The Notice notes that the application was deposited without the drawings referenced in the specification, and that drawings are required "where necessary for the understanding of the subject matter sought to be patented." 35 U.S.C. § 113 (first sentence).

Applicants submit that the drawings are not necessary for the understanding of the subject matter sought to be patented. Consequently, applicants request that the application be granted the benefit of the December 5, 2003 filing date.

Atty. Docket No.: VPI/03-106 US  
U.S.S.N.: 10/862,909  
Applicants: Makings, et al.

-2-

2. The Notice notes that the statutory basic filing fee of \$ 770.00, additional claim fees of \$1,568.00, and the surcharge of \$ 130.00.

Applicants have enclosed the requisite Fee Transmittal sheet authorizing the Director to charge the above fees to Deposit Account No. 50-0725.

3. The Notice requires applicants to submit an executed Oath and Declaration in the above application.

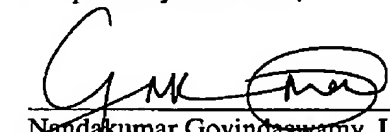
Applicants have enclosed herewith an Oath and Declaration duly executed by the named inventors to the above application.

#### CONCLUSION

Applicants request that the Director accept the above fees, enter the executed Oath and Declaration into record, and grant the above application the filing date of December 4, 2003.

The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. §1.16 in connection with the papers transmitted herewith, or credit any overpayment of the same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

  
Nandakumar Govindaswamy, Ltd. Recognition  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel.: (617) 444-6619  
Fax.: (617) 444-6483



PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 4,568.00

## Complete if Known

Application Number	10/728,114
Filing Date	December 4, 2003
First Named Inventor	Jugnu Jain-Pandey
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	VPI/02-135 US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0725

Vertex Pharmaceuticals

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	790.00
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 790.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
91	-20** = 71	X 18	= 1278
Independent Claims	1	-3** = 0	X 00 = 0
Multiple Dependent			290 = 290

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 1,568.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	2,080.00
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 2,210.00

## SUBMITTED BY

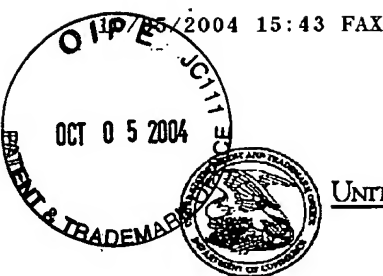
(Complete if applicable)

Name (Print/Type)	Nandakumar Govindaswamy	Registration No. (Attorney/Agent)	Ltd. Recog.	Telephone	617-444-6619
Signature				Date	October 5, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,114	12/04/2003	Jugnu Jain-Pandey	VPI/02-135 US

27916  
VERTEX PHARMACEUTICALS INC.  
130 WAVERLY STREET  
CAMBRIDGE, MA 02139-4242

CONFIRMATION NO. 7651  
FORMALITIES LETTER  
  
"OC000000012038540"

Date Mailed: 03/05/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION  
FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).
- The statutory basic filing fee is missing. Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1568 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2338 for a Large Entity


10/06/2004 JBALINAN 00000150 500725 10728114  
01 FC:1001 790.00 DA  
02 FC:1202 1278.00 DA  
03 FC:1051 130.00 DA  
04 FC:1203 300.00 DA

- \$770 Statutory basic filing fee.
- Total additional claim fee(s) for this application is \$1568
  - \$1278 for 71 total claims over 20.
  - \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE